

Applic. No. 10/782,324  
Response Dated September 12, 2005  
Responsive to Office Action of July 13, 2005

Remarks/Arguments:

Reconsideration of the application is respectfully requested.

Claims 1 and 3-11 are presently pending in the application.

Claims 1 and 11 have been amended.

The final Office action of July 13, 2005 includes an Interview Summary for the telephone conversation between the Examiner and Mr. Stemer. On August 8, 2005, applicants submitted a written statement in order to meet the requirement of providing a complete and proper recordation of the telephone interview.

In the second paragraph on page 2 of the above-identified Office Action, claims 1 and 3-11 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Tomaru (U.S. Patent No. 5,531,317 in view of Smith et al. (U.S. Patent No. 4,009,623)).

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 6, line 19 to page 7, line 3 of the specification of the instant application.

On page 2 of the Office action, the Examiner stated that Tomaru discloses the claimed invention except for the explicit

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disclosure of an actuating lever member pre-designed for impact absorption.

The Examiner cited the patent to Smith et al. in order to show an actuating lever 18 pre-designed for impact absorption. The Examiner interpreted the region at reference numeral 34 as an angled region, which may be formed as a hook-shaped bent region.

The object of Smith et al. is to provide an actuating lever 18 that "will not become permanently bent" in the event of an impact (see col. 2, lines 9-13). In order to prevent that the lever 18 becomes permanently bent, Smith et al. teach a lever structure that is rigid at the angled region 34 and is flexible at the elongated body 20 (col. 5, lines 26-31 and lines 48-52). Specifically, the lever 18 of Smith et al. has a "maximum strength in the area of connection with the shaft 16" and allows "controlled flexing of the lever to occur toward the free extremity of the lever structure" (col. 4, lines 48-52). Fig. 2 of Smith et al. illustrates that the lever 18 bends elastically in the region 34 of the elongated body 20 but does not bend or deform at the angled region because the structural element 34 "will insure substantial rigidity of the lever structure in the immediate vicinity of the shaft 16" (col. 5, lines 48-52, col. 8, lines 38-45). In other words, the lever of Smith et al. is configured to be

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rigid at the angled region (at 34) and is configured to deform elastically in the region of the elongated body 20.

It is noted that even if the Examiner should interpret the swept back region 74 of Smith et al. as an angled region, then ~~the same argument as for the angled region 34 is true. As can~~ be seen in Fig. 2 of Smith et al., the bending occurs in the elongated body 20 rather than in the swept back region 74. Col. 7, lines 17-23 of Smith et al. make it clear that the swept back portion 74 has to be substantially rigid because otherwise it could operate for its intended purpose, namely as a cam surface 78 whose purpose is to transfer forces to the flexible elongated body 20.

In contrast to Smith's rigid angled region 34 (and likewise 74), the present invention has a deformable angled region because the angled region has a buckling point (S), as defined in amended claims 1 and 11.

Further, in contrast to Smith's elastically deformable lever, which does not become permanently bent, the present invention has a plastically deformable lever as defined in amended claims 1 and 11.

Smith et al. teach that the lever 18 must be elastically deformable in order to prevent lever breakage. If a person of skill in the art were to apply the teaching of Smith et al. to

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the locking configuration of Tomaru, then the person of skill in the art would modify the lever 11 of Tomaru such that elongated portions of the lever 11 are elastically deformable in order to prevent lever breakage. The provision of a buckling point is contrary to the teaching of Smith et al.

~~because a buckling point would mean that the lever becomes~~  
permanently bent in a crash.

In summary, the prior art does not show or suggest an actuating lever having an angled region formed with a predetermined buckling point and being configured as a deformation element for absorbing energy wherein the actuating lever is plastically deformable in a crash such that the handle component moves toward the tilt-adjustable casing tube, as recited in amended claims 1 and 11.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claim 1 or 11. Claims 1 and 11 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-11 are solicited.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in ~~better condition for appeal, without requiring extension of~~ the field of search.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

Manfred Beck  
For Applicants

Manfred Beck  
Reg. No. 45,342

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Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101

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